

**TOWN OF DAVIE
CHARTER REVIEW BOARD
AUGUST 29, 2007**

1. ROLL CALL

The meeting was called to order at 7:06 p.m. Present at the meeting were Chair John Stevens, Vice Chair Judy Paul (arrived at 7:14 p.m.), Ray Adkins, Tom Green, Scott McLaughlin, Douglas Notman, Howard Rechtman and Scott Spages (arrived at 7:08 p.m.). Also present were Assistant Town Clerk McDaniel, Town Attorney Rayson, and Secretary Lorraine Robinson recording the meeting. Julie Aitken and Harry Venis were absent.

Mr. Notman made a motion, seconded by Mr. Green, to allow public comment prior to the Board's discussion of agenda items following approval of the minutes. In a voice vote, with Ms. Aitken, Ms. Paul, Mr. Spages and Mr. Venis being absent, all voted in favor. (Motion carried 6 – 0)

2. APPROVAL OF MINUTES – July 23, 2007 and August 13, 2007

Mr. Notman made a motion, seconded by Mr. Green, to approve the minutes of the Board's July 23, 2007 meeting. In a voice vote, with Ms. Aitken, Ms. Paul, Mr. Spages and Mr. Venis being absent, all voted in favor. (Motion carried 6 – 0)

Mr. Green made a motion, seconded by Mr. Notman, to approve the minutes of the Board's August 13, 2007 meeting. In a voice vote, with Ms. Aitken, Ms. Paul, Mr. Spages and Mr. Venis being absent, all voted in favor. (Motion carried 6 – 0)

Shirley Munson wanted the Board to consider town-wide elections for Councilmembers. She added that the current system had fractured the Town and harmed its sense of community. Ms. Munson felt developers used it to their advantage to pit districts against each other.

Karen Stenzel-Nowicki reminded the Board that at the previous meeting, she had asked about the appeals process. Ms. Stenzel-Nowicki said she had received an email from Mr. Muniz advising her that he had been incorrect at that meeting and State Statute dictated the appeals process.

Ms. Stenzel-Nowicki presented a list of municipalities and commissioners' salaries that had been discussed at the 2000 Charter Review Board.

Ms. Stenzel-Nowicki commented that she was in agreement with the proposal for Town Auditor made by Chair Stevens. She reported that State Statute required the creation of a selection committee for selecting a Town Auditor.

Gerry Starkey confirmed the public would be allowed to speak during the Board's discussion of police and fire items.

3. OLD BUSINESS

3.1 Section 7. The Council, Mayor and Legislation

Mr. Green wanted to discuss changing the term of office to four years and moving the elections to November.

Mr. Spages made a motion to move to four-year elections for Mayor and Councilmembers. Motion died for lack of a second.

Mr. Notman was opposed to this and felt it had been set at three years specifically to avoid election year politics. He felt local issues could be highlighted more effectively, and not overshadowed by national issues, when given their own election cycle.

Mr. Rechtman asked if figures were available explaining what the savings would be if they changed the election dates.

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Vice Chair Paul said three years had worked fine for her while serving on the Council. She added that four years would allow a Councilmember to see a lengthy project through to fruition.

Mr. McLaughlin favored moving the elections to November for the cost savings.

Mr. Green felt that with a three-year cycle, it would be too difficult to keep track of when the elections would take place.

Mr. Spages advised that he was on the Budget Advisory Committee, and he understood moving elections to November would save approximately \$100,000. He thought it was “absolutely absurd to try and save that amount of money to bury local elections... underneath the presidential and the gubernatorial.” Mr. Spages felt that many people who voted in national elections left the voting booth after voting for president and perhaps members of Congress, and very few people actually voted to the bottom of the ticket. Mr. Spages said that some people “have this penchant that we have to get our turnout up in local elections” but he was not concerned by this.

Mr. Green inquired as to the average voter turnout per election. Vice Chair Paul stated the numbers were between 6 to 15 percent.

Vice Chair Paul thought holding elections in the spring allowed the local issues to be highlighted, and holding elections in November would cause local issues to be buried under national ones.

Mr. Green seconded Mr. Spages motion to change to four-year terms. Mr. Spages said the motion was no longer on the floor.

Mr. Green made a motion to change to four-year terms. Motion died for lack of a second.

Chair Stevens said his philosophy about elections was that they should help facilitate a dialogue and discussion between candidates in the community instead of promoting what they currently had, which was essentially a “dog and pony show.” He felt real debate would be buried under national issues in the midst of national elections.

Ms. McDaniel explained to Mr. McLaughlin that a stand-alone Town election cost approximately \$100,000; if they shared with the County, the cost was approximately \$30,000. She said the amount was also based on the number of issues listed on the ballot.

Vice Chair Paul made a motion, seconded by Mr. Green, to move the elections to November.

The Board discussed how this could be implemented and when the new election cycle could begin for each district seat. Ms. McDaniel offered to research how other cities had implemented this, and suggested the Board defer the item to their next meeting. Chair Stevens, advised Vice Chair Paul to make her motion subject to this review based on information received. Vice Chair Paul clarified that her motion included subject to review.

In a roll call vote, the vote was as follows: Chair Stevens – no; Vice Chair Paul – yes; Mr. Adkins – yes; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – yes; Mr. Notman – no; Mr. Rechtman – yes; Mr. Spages – no; Mr. Venis – absent. (Motion carried 5 - 3)

Mr. Green made a motion, seconded by Vice Chair Paul, to change to four-year terms. In a roll call vote, the vote was as follows: Chair Stevens – no; Vice Chair Paul – yes; Mr. Adkins – yes; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – yes; Mr. Notman – no; Mr. Rechtman – yes; Mr. Spages – no; Mr. Venis – absent. (Motion carried 5 - 3)

The Board discussed whether both motions: the first, to move elections to November, and the second, to change to four-year terms, were dependent upon information brought back by Ms. McDaniel. Vice Chair Paul confirmed that the motion to change to a November election was dependent on this information and the two motions went together. Mr. Green advised that this was not part of his motion.

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Chair Stevens said he had received language from the Town Attorney regarding the Town Auditor section. Mr. Rayson explained that the language outlined how an internal auditor would be selected and what his or her duties would be. Chair Stevens wanted to forward the entire proposal to Council and allow them to select what they wanted to put into the Charter and what they wanted to include in an ordinance.

Vice Chair Paul requested the Board be provided with a chart outlining their recommended changes.

Mr. Adkins made a motion that Council meetings be suspended for the month of July.

Vice Chair Paul suggested that instead of specifically stating that meetings be suspended for the month of July, that the line stating Council was required to meet not less than twice per month be deleted and then this option would be available. Ms. McDaniel confirmed they had discussed this at the July 23rd meeting and made the same recommendation.

Mr. Adkins withdrew his motion.

Vice Chair Paul made a motion, seconded by Mr. McLaughlin, to revise the sentence regarding Council meetings to state "Thereafter the Council shall meet regularly." In a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

4. REVIEW OF CHARTER

4.1. Section 8. Finance

On Section 8(I)(4), Transfer of Appropriations, Mr. Spages explained that currently, Council's approval was required to transfer amounts less than \$10,000 from one department's budget to another. He wanted to change this so that an amount up to \$10,000 could be moved with the approval of the Finance Director. Mr. Spages added that amounts totaling more than \$10,000 could be moved with approval from the Town Administrator.

Chair Stevens noted that staff had made a recommendation regarding this, and their recommendation was to require approval of the Council for amounts in excess of \$10,000.

Vice Chair Paul did not feel comfortable changing this and pointed out that the budget was one area where the Council maintained a considerable amount of authority. She acknowledged this could be cumbersome, but felt it provided better accountability.

Mr. Cohen felt that approval from the Budget and Finance Director and the Town Administrator should be required to approve any transfer, regardless of the dollar amount.

Mr. Green felt that the leap from \$10,000 to \$100,000 was too great.

Mr. Spages restated how he would edit this section, and Ms. McDaniel recited the edited section: "At any time during the fiscal year, the administrative head may transfer part or all of any unencumbered appropriation balance within a department or agency provided the amount transferred shall not exceed \$25,000, with the approval by the Budget and Finance Director and the Town Administrator. Amounts above \$25,000 must be approved by the Town Council."

Mr. Spages agreed to this language for his motion. Mr. Green seconded the motion. In a roll call vote, the vote was as follows: Chair Stevens – yes; Vice Chair Paul – no; Mr. Adkins – no; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – no; Mr. Notman – no; Mr. Rechtman – yes; Mr. Spages – yes; Mr. Venis – absent. (Motion failed 4 - 4)

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Mr. Spages made a motion, seconded by Mr. Rechtman, to make the same motion, but to reduce the amount from \$25,000 to \$10,000. In a roll call vote, the vote was as follows: Chair Stevens – yes; Vice Chair Paul – no; Mr. Adkins – no; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – yes; Mr. Notman – yes; Mr. Rechtman – yes; Mr. Spages – yes; Mr. Venis – absent. (Motion carried 6 - 2)

Vice Chair Paul made a motion, seconded by Mr. Spages, to change Section 8(A), Finance Department, based on staff recommendations. In a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

The Board did not favor the changes recommended made by staff regarding Section 8(E), Capital Programs.

The Board agreed to wait for information regarding the State Statute prior to considering staff's recommendations for Section 8(F), Council Action on Budget.

In Section 8(G), Council Action on Capital Programs, staff had recommended changing 1B, and the Board agreed to defer this item to obtain information on Florida State Statute requirements.

In Section 8(P), Insurance and Surety Bonds, staff recommended taking out “clerk” because the clerk was no longer responsible for the section.

Mr. Spages made a motion, seconded by Mr. McLaughlin, to approve Section 8(P) per staff recommendations. In a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

In Section 8(O), Centralized Purchasing, staff recommended language that required Council to adopt centralized purchasing procedures by duly enacted resolutions.

Mr. McLaughlin made a motion, seconded by Mr. Spages, to make the change recommended by staff.

Assistant Town Administrator Cohen explained that resolutions went into effect faster than ordinances, and this pertained to the procedures, not the actual expenditures.

There being no further discussion, in a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

In Section 8(R), Revenue Collection, Custodian of Funds and Surety of Employees, staff recommended changing Town Clerk to Finance Director.

Mr. Spages made a motion, seconded by Vice Chair Paul, to accept staff recommendations to Section 8(R). In a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

In Section 8(V), Payment, staff recommended changing Town Clerk to Finance Director.

Mr. Spages made a motion to change to accept staff recommendations. Motion died for lack of a second.

Vice Chair Paul wanted to drop the word “designees.” Ms. McDaniel said the current designees were the Town Administrator and the Assistant Town Clerk. Chair Stevens said they would add that sentence. Vice Chair Paul wanted to name the Vice Mayor as the Mayor's designee.

Mr. Spages made a motion to add the titles of the designees. Motion died for lack of a second.

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Ms. McDaniel recited the edited text: "... checks signed by the Mayor, Vice Mayor or Council member and the Finance Director, Town Administrator or Town Clerk as provided by resolution of the Town Council."

Mr. Spages made a motion, seconded by Mr. McLaughlin, to remove Town Clerk and change to Finance Director, as staff had recommended. In a roll call vote, the vote was as follows: Chair Stevens – yes; Vice Chair Paul –yes; Mr. Adkins – yes; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – yes; Mr. Notman – yes; Mr. Rechtman – yes; Mr. Spages – yes; Mr. Venis - absent. (Motion carried 8 - 0)

Vice Chair Paul made a motion, seconded by Mr. Spages, that the Board include a recommendation to Council that when the resolution was written, it should indicate that the designee for the Mayor must be an elected official. In a voice vote, with Ms. Aitken and Mr. Venis being absent, all voted in favor. (Motion carried 8 – 0)

4.2. Section 9. Town Planning and Development
There were no comments and/or suggestions made.

4.3. Section 10. Police Department

Gerry Starkey suggested that citizens should have input in selecting the police and fire chief, via a citizens committee appointed by Council. He added that Council should ratify the committee's appointees. Mr. Starkey stated that Council should be consulted regarding any termination of a police or fire chief. He offered to gather information for the Board regarding municipalities currently using this method.

Vice Chair Paul stated that Mr. Starkey's suggestion would readdress the powers of the Town Administrator and added that Council approved the contracts for these positions. Mr. Cohen explained that Council approved all service contracts. He added that the Town Administrator had the option of hiring without a contract, in which case Council's approval was not required.

Mr. Notman suggested that the Board review information Mr. Starkey was to provide regarding this issue. Mr. Starkey agreed to work with staff to provide this information to the Board.

4.4. Section 11. Fire Department
There were no comments and/or suggestions made.

4.5. Section 12. Franchises
There were no comments and/or suggestions made.

4.6. Section 13. Elections
There were no comments and/or suggestions made.

4.7. Section 14. Fees of Offices

Chair Stevens said staff had made a proposal regarding the section and asked if this would be the section in which to include a prohibition against the Town Attorney's providing any services or accepting fees from any town employee, officer, or contract employee. Mr. Notman agreed to draw up some language regarding this for the Board's next meeting.

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5. MEETING SCHEDULE

5.1. Scheduling For Next Meeting

The Board cancelled the meeting scheduled for September 4th and scheduled their next meeting for September 10th. The Board requested that the Police and Fire Chiefs be invited to attend.

6. AGENDA ITEMS FOR NEXT MEETING

The Board discussed placing the following item on the September 10th agenda:

- Section 7. The Council, Mayor and Legislation; Elections
- Section 10. Police Department
- Section 11. Fire Department
- Section 14. Fees of Offices; Nuisances; Sanitation
- Charter Review as old business

7. COUNCILMEMBER COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

9. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:01 p.m.

Date Approved: _____

Chair/Board Member